
PROPOSED HERITAGE LISTING - HEADFORT HOUSE, STANHOPE ROAD, KILLARA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider commencing the process to list Headfort House, Stanhope Road, Killara as a heritage item under Schedule 5 of the KLEP 2015.
BACKGROUND:	Council requested heritage listing of Headfort House as part of the Planning Proposal application for 92-94 Stanhope Road (Lourdes Retirement Village). Both the February 2018 and the 2022 Planning Proposals, seeking significant uplift on the land, have not included the listing.
COMMENTS:	<p>The heritage report which accompanies the current Planning Proposal provides sufficient evidence that Headfort House and its garden setting meets the NSW Heritage Criteria for listing. In the absence of a proponent-led listing, it is proposed that Council prepare and progress its own Planning Proposal for the listing. Listing of Headfort House provides the only mechanism to enforce its retention and conservation and apply enforcement for compliance particularly in the context of any future development of the site.</p> <p>Progressing the listing Planning Proposal is essential to enable its exhibition in close timing with the proponent-led rezoning proposal for the site, and justified heritage protection alongside other planning controls for the site's future development at the appropriate Planning Proposal stage.</p>
RECOMMENDATION:	<p>That Council prepares a Planning Proposal to heritage list Headfort House, Stanhope Road, Killara and its curtilage including preparation of a heritage assessment and/or inventory based on the proponent's heritage report.</p> <p>That the Planning Proposal be forwarded to the Department for Gateway Determination and exhibited in accordance with any Gateway issued.</p> <p>That, if in the meantime there is any threat of harm to Headfort House, Council make an IHO to protect the site from harm until a Planning Proposal can be progressed to Gateway Determination.</p>

PURPOSE OF REPORT

For Council to consider commencing the process to list Headfort House, Stanhope Road, Killara as a heritage item under Schedule 5 of the KLEP 2015.

BACKGROUND

The heritage value of Headfort House was brought to Council's attention during 2016 -2018 with the submission of a Planning Proposal seeking substantial changes to zoning, height and FSR standards on the Lourdes Retirement Village site at 95-97 Stanhope Road, Killara.

The Planning Proposal sought to facilitate the redevelopment of the site and significantly increase the number of seniors housing units on the site within apartment blocks.

A pre-Planning Proposal meeting was held on 7 December 2016 where Council's pre-lodgement recommendation was to include the heritage listing of Headfort House in their Planning Proposal. The circulated minutes of that meeting noted the following:

The applicants have identified the chapel (original house) and the grotto located on the site as having heritage significance, however, neither is statutorily recognised. As such their heritage values are not protected under Council's Local Environmental Plan. The applicants are proposing to prepare a conservation management plan to protect the identified heritage values of the chapel and the grotto (relocated) however without a statutory listing the recommendations of this document cannot be enforced. To ensure greater certainty, consideration should be given to the local heritage listing of the chapel and its curtilage as part of the Planning Proposal.

The proponent did not include the recommended listing of Headfort House in their Planning Proposal submitted on 2 February 2018.

The 2018 Planning Proposal included a *Heritage Significance Assessment for Headfort House* by GML Heritage (**Attachment A1**).

The GML Heritage assessment found that Headfort House (former Headfort School building) in its garden setting is of local heritage significance to Ku-ring-gai.

On 22 May 2018 Council refused to progress the Planning Proposal due to multiple issues including impacts on heritage value, bushfire and evacuation risk, access to public transport and services, interface impacts on adjacent dwellings and bushland.

The 22 May 2018 report to Council included a call to heritage list Headfort House and give consideration to heritage values in any future Planning Proposal as follows:

- *Given its significance, Headfort House and its immediate curtilage should be listed as local heritage item on Ku-ring-gai's Local Environmental Plan (2015) and that any future Planning Proposal for 95 Stanhope Road Killara include this local heritage listing.*
- *As a potential Heritage Item the proposed building height of 22m (6 storey) immediately adjacent to Headfort House is considered excessive. It is recommended the building height in*

the vicinity of the potential Heritage Item be limited to the existing ridge-height of the historic portion of Headfort House.

- *The new/relocated grotto should not present as a wall to the street, nor with a carport-like structure in the front garden as currently implied by the Urban Design Study. The visual curtilage to Headfort House from the street should be retained and enhanced to respect its significance and also to ensure consistency with the predominant residential character of Stanhope Road and the adjacent HCA, of houses fronting the street within quality landscaped garden settings.*
- *Any proposal for this site would be required to restrict the building heights on the site to below the canopy so regional vistas of the bush items and conservation areas are not interrupted by new built elements, and to enable new landscaping to provide and improve the tree canopy on the site itself.*

Following Council's refusal, the applicant applied for a Rezoning Review with the Sydney North Planning Panel to contest Council's decision. On 7 November 2018 the Sydney North Planning Panel decided in favour of the applicant enabling the proposal to be submitted to the Department of Planning and Environment for a Gateway Determination subject to amendments. Council declined to take the role of Responsible Planning Authority (RPA) for a revised Planning Proposal. The RPA function now sits with the Department of Planning and Environment (DPE).

On 10 May 2022 the Department of Planning and Environment (DPE) issued a Gateway Determination (**Attachment A2**) enabling the exhibition of the revised Planning Proposal, pending further information as stipulated in the Determination.

The 2022 revised Planning Proposal for 95-97 Stanhope Street, Killara has not yet commenced public exhibition under the issued Gateway Determination however some documentation is visible on the DPE planning portal.

The 2022 revised Planning Proposal has again not included the heritage listing of Headfort House in its amendment to the Ku-ring-gai Local Environmental Plan 2015.

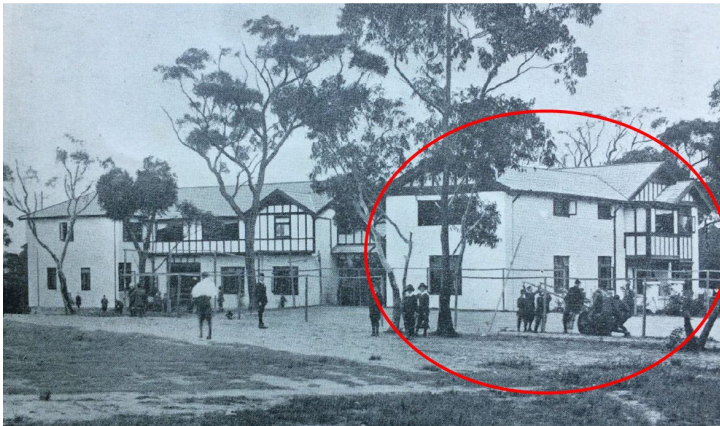
COMMENTS

The proposal to heritage list Headfort House is based on the proponent's *Heritage Significance Assessment for Headfort House* by GML Heritage (**Attachment A1**) that has been submitted with both the 2018 and the 2022 Planning Proposals.

The following letters have also been considered in this potential listing: *Response to Draft Urban Design Study* - GML Heritage 2017 and *Heritage Impact Statement* - URBIS 2021, noting that these letters are more relevant to and focused on the Planning Proposal for site redevelopment rather than a proposed listing of Headfort House.

Headfort House

Headfort House is located on the north-west corner of the Lourdes site. The former house, now Chapel, is a two storey Federation Arts and Craft style building that has undergone known modifications for its adaptive reuse. The house importantly has historical significance as it was purpose built c1918 as a boys' school known at this time as Headfort School.



Photograph of Headfort House c. 1921.
The extant building is circled in red.
Photo Source: *GML Heritage: Headfort House – 95 Stanhope Road, Killara – Heritage Significance Assessment May 2017.*



Photograph of Headfort House taken March 2018.
Architectural details of the Arts and Craft building still present on the entrance façade.



Photograph of Headfort House taken March 2018.
Infilled windows apparent on the first floor.

Assessment against the NSW Heritage Criteria

A *Heritage Significance Assessment* (**Attachment A1**) for Headfort House was prepared by GML Heritage and submitted with both the 2018 and 2022 Planning Proposals to enable significant uplift on the site of the Lourdes Retirement Village.

The statement of significance for Headfort House included in the *Heritage Significance Assessment* states:

Headfort House has significance at a local level. Headfort House has historical significance as it is evidence of the early Twentieth-Century growth and development of the suburb of Killara and the resultant need for schools in the area. It has further historical significance for its use by the Australian Women's Army Service (AWAS) for training during WWII, and for its later use as a tuberculosis hospital. Headfort House is associated with the reverend Robert Thomas Wade, a prominent educator, ichthyologist and palaeontologist who was the founding headmaster of the Headfort School. The building also has potential social significance for its association with the AWAS, patients and staff of Lourdes Hospital, and for its importance to the Ku-ring-gai community's sense of place.

GML Heritage found Headfort House to have cultural significance to Ku-ring-gai based on three heritage criteria:

NSW Heritage Criteria – achieved for heritage listing		
1	Historical significance	<ul style="list-style-type: none"> as evidence of the growth of Killara and its development from rural area to residential suburb; as evidence of the effect of WWII on the local area (use by AWAS in the 1940s); and as a tuberculosis hospital.
2	Historical association	<ul style="list-style-type: none"> building is associated with the prominent educator Thomas Wade who was the founding headmaster of Headfort House.
3	Social significance	<ul style="list-style-type: none"> to the AWAS, patients and staff of Lourdes hospital, and importance to Ku-ring-gai's sense of place

Only one NSW Heritage Council criteria of local heritage significance is required to meet the NSW Heritage Council threshold for local heritage listing, as set out in the guideline 'Assessing Heritage Significance'.

For exhibition, Council will produce a heritage assessment or inventory that will review and take into account the GML assessment and further investigation under the NSW Heritage Council criteria. This will confirm or determine the appropriate significance assessment, criteria and listing curtilage for the building and its setting in line with NSW Heritage Council guidelines.

Considerations

The current 2022 Planning Proposal has not included the heritage listing of Headfort House as per Council's previous indications to the proponent, rather it seeks to justify future impacts.

The proposed heritage listing, subject of this Council Report, is based on the publicly available GML heritage assessment prepared by the proponent and submitted with their previous (2018) and current (2022) Planning Proposal to amend standards to facilitate further development uplift at this property.

The proponent's GML heritage assessment demonstrates Headfort House meets the NSW Heritage Council threshold for listing as a heritage item on Ku-ring-gai Local Environmental Plan 2015. It concludes this building satisfies at least one NSW Heritage Council criteria of local heritage significance (in fact it satisfies three criteria).

Although the proponent's GML heritage assessment identifies the chapel (original house) building in its garden setting and the grotto located on the site as having heritage significance, there is no statutory recognition of the significance. This means the heritage values are not protected under Council's Local Environmental Plan. As such, the GML and Urbis Planning Proposal recommendation to prepare or subsequent requirement to uphold a conservation management plan to protect the identified heritage values of the chapel and the grotto (relocated), cannot be compelled nor enforced in the absence of statutory listing.

Appropriate listing and curtilage for Headfort House must be determined before any development application stage. The development application stage is too late to establish appropriate planning

controls, associated building locations and envelopes to respect the significance and setting of this potential heritage item.

Preparation of heritage related Development Controls

The proponent's 2022 Planning Proposal includes a site specific Development Control Plan (DCP) to guide future development at 92-94 Stanhope Rd, Killara. This DCP is based on the proponent's urban design study; however, it omits any reference to Headfort House and makes no reference to adjacent heritage items and conservation area.

The preparation of site specific development controls to conserve Headfort House, its setting, and other assessed heritage values are important to appropriately manage this identified issue in the planning instruments. These controls would ensure appropriate consideration is given to heritage significance during any future development application. Council's future submission on the proponent's planning proposal will emphasise the need for and importance of heritage related site specific DCP controls.

Interim Heritage Order Delegation

For unlisted places of potential heritage significance at risk, Council has delegation under the Heritage Act 1977 to make an interim heritage order (IHO). This is an emergency temporary heritage listing to protect the place while its heritage significance is assessed and permanent listing is proposed. The effect of an interim heritage order is the same as heritage item listing for up to 6-12 months. The NSW Minister responsible for heritage can also make interim heritage order for this purpose. The subject site may be eligible for this action.

Rather than a reactive interim heritage order, Council's preference is for the more strategic approach, as proposed, for a listing Planning Proposal. This enables owner and community consultation about listing before listing takes effect, unlike an interim heritage order. This also appropriately identifies heritage issues in the planning instruments ahead of development proposals.

Conclusion

To ensure greater certainty and a genuine approach to the conservation of Headfort House it is proposed that a Planning Proposal be prepared to consider the local heritage listing of Headfort House.

The preparation of the Council-led Planning Proposal will include a heritage assessment and/or inventory, taking into account the proponent's GML report, and further investigation to confirm or determine the significance assessment and listing curtilage for the building and its setting in line with NSW Heritage Council guidelines.

The listing Planning Proposal is necessary for all planning issues for the subject property, including protection of places with assessed heritage significance, to be adequately considered and determined at the same time as development controls for this site at this appropriate Planning Proposal stage. This fulfils the planning law objectives for orderly development, protecting the environment and sustainable management of heritage.

The recommendation of this Report regarding an Interim Heritage Order is proposed as a safeguard. It will ensure Headfort House and the heritage aspects of 92-94 Stanhope Road can be swiftly protected in the event of any unforeseen action prior to the listing Planning Proposal being considered.

INTEGRATED PLANNING AND REPORTING

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Ku-ring-gai's heritage is protected, promoted and responsibly managed.	Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets.	Implement, monitor and review Ku-ring-gai's heritage planning controls including the development of a heritage strategy.

GOVERNANCE MATTERS

This report addresses the first stage in obtaining a Gateway Determination for a Planning Proposal which seeks to list an item of local heritage significance under an amendment to Schedule 5 of the KLEP 2015. If the Planning Proposal is supported by the Department, the Planning Proposal will be placed on exhibition seeking further State agency and stakeholder feedback prior to being reported back to Council to decide if the property should be formally listed.

The process for the preparation and implementation of Planning Proposals is governed by the provisions of the *Environmental Planning and Assessment Act, 1979*. Council will seek the plan-making delegation under Section 3.36(2) of the EP&A Act to finalise the Planning Proposal.

Under the *Ministerial Direction Local Planning Panels Direction – Planning Proposals* and the delegations granted to the General Manager, this matter will not be referred to the Ku-ring-gai Local Planning Panel for advice on the basis that the Planning Proposal relates to a local heritage listing and will not have any significant adverse impact on the environment or adjoining land.

RISK MANAGEMENT

There is a community expectation that places of heritage significance within the Ku-ring-gai Council LGA will be identified and protected. There is a strategic risk of damaging the reputation of Council if these culturally significant places are not identified and considered for protection.

FINANCIAL CONSIDERATIONS

The cost of preparing this report is covered by the Ku-ring-gai draft Principal Local Environmental Plan - Urban Planning & Heritage Budget – Strategy and Environment Department.

SOCIAL CONSIDERATIONS

The identification and protection of Ku-ring-gai's heritage places contributes to the ongoing conservation of Ku-ring-gai's community-valued historic landscape and garden suburbs.

ENVIRONMENTAL CONSIDERATIONS

The retention and conservation of heritage places has an important role in protecting the environment. The environmental sustainability benefits afforded by the retention of heritage places includes the substantial reduction in building demolition and new construction waste, and the conservation of embodied energy in the existing buildings.

COMMUNITY CONSULTATION

If the matter proceeds to gateway determination and formal public exhibition, community consultation will be conducted in accordance with the requirements of the Gateway Determination.

INTERNAL CONSULTATION

Extensive consultation with relevant Departments of Council has taken place regarding the Planning Proposal for the site and its impacts including on heritage issues.

SUMMARY

A preliminary heritage assessment, based on proponent's GML heritage assessment, has concluded that Headfort House meets the threshold for listing as a local heritage item on *Schedule 5* of the *Ku-ring-gai Local Environmental Plan 2015*. Preparation and submission of a listing Planning Proposal will enable timely identification of the heritage issues prior to any proposed redevelopment of the site.

RECOMMENDATION:

- A. That Council prepares a Planning Proposal to amend KLEP 2015 to include Headfort House, Stanhope Road, Killara and its setting as a proposed heritage item in Schedule 5 and on the Heritage Map.
- B. That Council prepares a heritage assessment and/or inventory, taking into account the existing GML heritage report and further investigation, to confirm or determine the significance assessment and listing curtilage for the building and its setting in line with NSW Heritage Council guidelines.
- C. That the Planning Proposal be forwarded to the Department of Planning and Environment for Gateway Determination and exhibited in accordance with any Gateway issued.
- D. That, if in the meantime, there is any threat of harm to the potential heritage significance of the house and setting of the property known as Headfort House, at Stanhope Road, Killara, Council make an Interim Heritage Order, using its delegation under the Heritage Act 1977, to protect the site until a Planning Proposal can be progressed to Gateway Determination.

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Attachments:	A1	Heritage significance assessment for Headfort House by GML Heritage	2018/129334
	A2	Department of Planning and Environment gateway determination	2022/170273

KU-RING-GAI COUNCIL

ORDINARY MEETING OF COUNCIL – 26/07/2022

Subject: Proposed Heritage Listing - Headfort House, Stanhope Road, Killara

Resolved:

- A. That Council prepares a Planning Proposal to amend KLEP 2015 to include Headfort House, Stanhope Road, Killara and its setting as a proposed heritage item in Schedule 5 and on the Heritage Map.
- B. That Council prepares a heritage assessment and/or inventory, taking into account the existing GML heritage report and further investigation, to confirm or determine the significance assessment and listing curtilage for the building and its setting in line with NSW Heritage Council guidelines.
- C. That the Planning Proposal be forwarded to the Department of Planning and Environment for Gateway Determination and exhibited in accordance with any Gateway issued.
- D. That, if in the meantime, there is any threat of harm to the potential heritage significance of the house and setting of the property known as Headfort House, at Stanhope Road, Killara, Council make an Interim Heritage Order, using its delegation under the Heritage Act 1977, to protect the site until a Planning Proposal can be progressed to Gateway Determination.